

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00064
2:08-00197
3:11-00183

JIMMIE WADE LEMASTER, JR.

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 10, 2022, the United States of America appeared by Nicholas M. Miller, Assistant United States Attorney, and the defendant, Jimmie Wade Lemaster, Jr., appeared in person and by his counsel, John J. Balenovich, Esq., for a hearing on a petition and amendment to petition seeking revocation of supervised release, submitted by United States Probation Officer Jeffrey Bella. The defendant commenced a twenty-four (24) month term of supervised release in these actions on August 6, 2021, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court in criminal action nos. 2:07-00064, 2:08-00197, and 3:11-00183 on July 27, 2021.

The court heard the admissions of the defendant and the representations and arguments of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) on August 7, 2021, the defendant possessed several Suboxone strips for which he did not have a valid prescription, (2) on August 11, 2021, October 14, 2021, October 21, 2021 and December 15, 2021, the defendant submitted urine specimens that tested positive for methamphetamine, and on August 31, 2021, the defendant submitted a urine specimen that tested positive for cocaine, methamphetamine and Suboxone, and on December 31, 2021, the defendant injected heroin from which he overdosed, and (3) on October 10, 2021, the defendant was found by Charleston Police officers of driving on a suspended license without motor vehicle insurance, and after committing that offense, failed to notify the probation officer of the offense within 72 hours, having not notified the probation officer for a period of nine days only after the probation officer inquired about it. All as admitted on the record of the

hearing by the defendant, and all as set forth in the petition, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in criminal action numbers 2:07-00064, 2:08-00197 and 3:11-00183, be, and it hereby is, revoked.


And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583 (e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THIRTEEN (13) MONTHS in criminal action no. 2:07-00064; THIRTEEN (13) MONTHS in criminal action no. 2:08-00197, and THIRTEEN (13) MONTHS in criminal action no. 3:11-00183, which terms of imprisonment shall all run concurrently with each other, resulting in a total period of THIRTEEN MONTHS

imprisonment, with no further term of supervised release imposed in any of criminal action nos. 2:07-00064, 2:08-00197 or 3:11-00183.

The defendant was remanded to the custody of the United States Marshal. Upon the defendant's request, by his counsel, and the Government having no objection, the court makes the following recommendation to the Bureau of Prisons; that the defendant be designated to FCI Hazelton, West Virginia, if feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 16, 2022



John T. Copenhaver, Jr.
Senior United States District Judge